

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
GARDEN CITY BOXING CLUB, INC.,

Plaintiff,

-against-

ORDER

07-CV-3849 (ADS)(AKT)

135 HUNT STATION BILLIARD, INC. doing
business as Hot Shot Billiard Club and LOUIS
SACCONE,

Defendants.

-----X
APPEARANCES:

Paul J. Hooten & Associates

Attorneys for the plaintiff

5505 Nesconset Highway, Suite 203

Mt. Sinai, NY 11766

By: Paul J. Hooten, Esq., Of Counsel

NO APPEARANCE

135 Hunt Station Billiard, Inc. d/b/a Hot Shot Billiard Club

Louis Saccone

SPATT, District Judge.

On September 14, 2007, the plaintiff commenced this action against the defendants, 135 Hunt Station Billiard, Inc. d/b/a Hot Shot Billiard Club and Louis Saccone, seeking damages for violations of the Communications Act of 1934, codified at 47 U.S.C. §§ 605 and 553. On September 17, 2008, the Court entered a default judgment against the defendants, and referred the matter to United States Magistrate Judge A. Kathleen Tomlinson for an inquest as to damages, including reasonable attorneys' fees and costs.

On June 21, 2012, Judge Tomlinson issued a Report and Recommendation (the "Report") recommending that the Court award the plaintiff damages as follows: (1) \$2,198 in statutory

damages; (2) \$4,396 in enhanced damages; and (3) \$1,375 in attorney's fees and costs. To date, there have been no objections filed to the Report.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. §636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Tomlinson's Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Tomlinson's Report, it is hereby

ORDERED, that Judge Tomlinson's Report and Recommendation is adopted in its entirety. The Court awards the plaintiff: (1) \$2,198 in statutory damages; (2) \$4,396 in enhanced damages; and (3) \$1,375 in attorney's fees and costs, and it is further

ORDERED, that the Clerk of the Court is directed to enter judgment in favor of the plaintiff in the amount of \$7,969, and it is further

ORDERED, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
September 19, 2012

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge